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TWENTY-SECOND DAY
(Thursday, February 25, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Paul Taft, St. John's Episcopal Church, Austin, offered the invocation as follows:

God, You have called each of us to serve You and Your people and to live in peace and hope with You and with each other. We are grateful for this new day and the many opportunities for seeking Your guidance and allowing Your purposes to be fulfilled through us. Thank You for the government of our State of Texas and especially for each person in this branch of that government. As they begin their work today, give each Senator a sense of Your presence and support. Inspire a strong sense of calling to serve the people of Texas. May they offer themselves in that service with humility and thankfulness. May the people of Texas uphold in their prayers these men and women so that they will be enabled to accomplish the work You have called them to do. In Your name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 76

On motion of Senator Turner and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 76.

CO-AUTHOR OF SENATE BILL 218

On motion of Senator Sibley and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 218.

CO-AUTHOR OF SENATE BILL 336

On motion of Senator Parker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 336.

CO-AUTHORS OF SENATE BILL 364

On motion of Senator Moncrief and by unanimous consent, Senators Leedom and Harris of Dallas will be shown as Co-authors of S.B. 364.

On motion of Senator Sibley and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 426.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

H.C.R. 24 to Committee on Education.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 458 by Haley, Nelson Economic Development
Relating to health insurance benefits for the treatment of certain bones and joints of the human body.

S.B. 459 by Haley
Relating to dental care benefits.

S.B. 460 by Ellis Intergovernmental Relations
Relating to the sale or exchange of land by a home rule city.

S.B. 461 by Shapiro Intergovernmental Relations
Relating to the construction of public works.

S.B. 462 by Madla State Affairs
 Relating to credit in the Employees Retirement System of Texas for
 accumulated sick leave.

S.B. 463 by Madla	Economic Development
Relating to the regulation of certain persons who resell tickets; providing a penalty.	

S.B. 464 by Barrientos
Relating to the regulation of credit unions.

S.B. 465 by Barrientos Health and Human Services
Relating to the composition, powers, duties, and change of the name of the
Interagency Council for Services for the Homeless.

S.B. 466 by Sims, Carriker State Affairs
 Relating to the qualification of oil from new or expanded enhanced
 recovery projects for special tax rates.

S.B. 467 by Sims Natural Resources
 Relating to civil penalties for violations of pipeline safety standards.

S.B. 468 by Sims **Natural Resources**
Relating to the regulation of the transportation of carbon dioxide.

S.B. 469 by Sims Natural Resources
Relating to the composition and staffing of the Texas Groundwater
Protection Committee.

S.B. 470 by Rosson Economic Development
Relating to multiple-party accounts and trust accounts at a credit union.

S.B. 471 by Parker, Shelley Economic Development
Relating to the waste tire recycling program; providing for civil penalties and injunctive relief.

S.B. 472 by Madla Health and Human Services
Relating to the practice of pharmacy, including the Texas State Board of Pharmacy, dangerous drugs, and controlled substances.

S.B. 473 by West Criminal Justice
Relating to training for persons licensed by the Commission on Law Enforcement Officer Standards and Education.

S.B. 474 by Sims Natural Resources
Relating to fire prevention and fire-fighting support activities of the Texas Forest Service.

S.B. 475 by Henderson Jurisprudence
Relating to records of the crime stoppers advisory council or a local crime stoppers program.

S.B. 476 by Henderson Intergovernmental Relations
Relating to the contributions and eligibility for retirement benefits of certain members of the Texas County and District Retirement System.

S.B. 477 by Rosson Criminal Justice
Relating to the powers and duties of the prosecutors for the state in El Paso County.

S.B. 478 by Rosson Criminal Justice
Relating to the testimony of a child in a child abuse case.

GUEST PRESENTED

The President introduced to the Senate Secretary of State John H. Hannah, Jr.

The Senate welcomed the Secretary of State.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

S.B. 4

SENATE BILL 335 REREFERRED

On motion of Senator Shapiro and by unanimous consent, **S.B. 335** was withdrawn from the Committee on Finance and was rereferred to the Committee on Education.

SENATE RULE 7.12(b)(10) SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 7.12(b)(10) was suspended as it relates to the list of witnesses testifying on **S.B. 5**.

SENATE BILL 246 ON THIRD READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 246, Relating to the conveyance of property from a county to Texas A&I University Foundation, Inc.

The bill was read third time and was finally passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 76 ON THIRD READING

The President laid before the Senate on its final passage **S.B. 76**, the bill having been read third time on Wednesday, February 24, 1993.

S.B. 76, Relating to appeals of certain interlocutory orders and judgments upholding those orders.

Question—Shall the bill be finally passed?

Senator Turner offered the following amendment to the bill:

Amend **S.B. 76** as follows:

In Subdivision (6) of Section 1, line 23, insert the phrase "or a person whose communication appears in or is published by the electronic or print media." between the comma following "capacity" and "arising."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Turner and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Henderson and Brown asked to be recorded as voting "Nay" on the final passage of the bill.

GUEST PRESENTED

The President introduced to the Senate Billy Hamilton, Chief Clerk of the Comptroller's Office.

The Senate welcomed Mr. Hamilton.

(Senator Harris of Dallas in Chair)

(President in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 82 ON SECOND READING**

Senator Montford moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 82** be taken up for consideration at this time:

C.S.S.B. 82, Relating to the administration, collection, enforcement, and application of, and exemptions from, various taxes and fees; creating offenses and providing penalties.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 82 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. Dennis Blackburn of San Antonio as the "Doctor for the Day."

The Senate welcomed Dr. Blackburn and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**COMMITTEE SUBSTITUTE
SENATE BILL 79 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 79 be taken up for consideration at this time:

C.S.S.B. 79, Relating to the requirement that the state develop a system of selective contracting with health care providers for the provision of certain services to Medicaid recipients.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 79 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Haley in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 369 ON SECOND READING**

Senator Barrientos moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 369 be taken up for consideration at this time:

C.S.S.B. 369, Relating to financing of the acquisition of rights-of-way for and the construction, maintenance, and policing of public roads by state agencies.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Sibley.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Sibley asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 369 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 369** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Sibley.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

SENATE BILL 372 ON SECOND READING

Senator Bivins moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 372** be taken up for consideration at this time:

S.B. 372, Relating to retaining the current names of the Texas Department of Health and the Texas Board of Health.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 372 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 372** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 380 ON SECOND READING**

Senator Ratliff moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 380 be taken up for consideration at this time:

C.S.S.B. 380, Relating to the distribution of state funds appropriated for elementary, secondary, and higher education.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 380 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 383 ON SECOND READING**

Senator Truan moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 383 be taken up for consideration at this time:

C.S.S.B. 383, Relating to the existence, composition, and expenses of state agency advisory committees.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend SECTION 3 of C.S.S.B. 383 (page 5, lines 8-10) as follows:
SECTION 3. An advisory committee as defined in Article 6252-33, Revised Statutes, as added by this Act, that exists as of September 1, 1993 is automatically abolished September 1, 1997, unless:

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 383 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 383 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 78 ON SECOND READING**

Senator Armbrister moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 78 be taken up for consideration at this time:

C.S.S.B. 78, Relating to the authority of the Texas Department of Mental Health and Mental Retardation to designate an alternative living facility to provide mental health services.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 78 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 78** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 384 ON SECOND READING**

Senator Turner moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 384** be taken up for consideration at this time:

C.S.S.B. 384, Relating to the management and control of state finances and generating additional revenue in connection with the unclaimed money fund; making an appropriation.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 384 ON THIRD READING**

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 384** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 378 ON SECOND READING**

Senator Whitmire moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 378 be taken up for consideration at this time:

C.S.S.B. 378, Relating to maximizing the availability of federal funds to the Texas Department of Criminal Justice and to the efficient and economical operation of the department.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Amend C.S.S.B. 378 as follows:

- 1) Delete Article 7 in its entirety.
- 2) Renumber remaining provisions accordingly.

The amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 378 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Luna in Chair)

SENATE BILL 310 ON SECOND READING

Senator Madla moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 310 be taken up for consideration at this time:

S.B. 310, Relating to the possession of dangerous drugs by certain persons.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

(President in Chair)

SENATE BILL 310 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 310** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
February 25, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 30, Relating to providing for methods and procedures for the eradication of boll weevils and the reduction in use of toxic substances in the control of cotton insects; providing penalties.

S.B. 221, Relating to the creation, administration, powers, duties, operation, and financing of the West Community Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain. (As amended)

S.C.R. 30, Recognizing March 2, 1993, as Pittsburg Day.

H.C.R. 61, Commending the staff and administration of the Brenham State School for their numerous contributions in the delivery of quality services to citizens with mental retardation/developmental disabilities.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MOTION TO PLACE

SENATE BILL 243 ON SECOND READING

Senator Leedom moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 243** be taken up for consideration at this time:

S.B. 243, Relating to a fee to finance security services for buildings housing a district or county court.

The motion was lost by the following vote: Yeas 21, Nays 10. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brown, Haley, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Sims, Turner, Wentworth, West, Zaffirini.

Nays: Barrientos, Carriker, Ellis, Harris of Tarrant, Luna, Parker, Shelley, Sibley, Truan, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 90 ON SECOND READING**

Senator Truan moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 90 be taken up for consideration at this time:

C.S.S.B. 90, Relating to the access to information for epidemiologic and toxicologic investigations by the Texas Department of Health.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 336 ON SECOND READING**

Senator Parker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 336 be taken up for consideration at this time:

C.S.S.B. 336, Relating to prohibiting certain extensions of credit by retail stores owned or operated by public institutions of higher education.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 336 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 162 ON SECOND READING**

Senator Rosson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 162 be taken up for consideration at this time:

C.S.S.B. 162, Relating to a requirement that an operator service make a live operator available.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 162 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 162** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Nelson asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Harris of Tarrant in Chair)

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the TEXAS WATER COMMISSION: Commissioner Peggy Sue Garner, Upton County; Chair John L. Hall, Travis County; Commissioner Pam Reed, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would Monday, March 1, 1993, at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONGRATULATORY RESOLUTIONS

S.R. 320 - By Shelley: Recognizing Memorial Baptist Church of Baytown on the occasion of its 75th anniversary.

S.R. 321 - By Patterson: Recognizing April 13, 1993, as Pasadena Day on the city's 100th anniversary.

S.R. 322 - By Luna: Congratulating Richard Rodriguez on winning the Audience Award of the Sundance Film Festival and the Berlin Out of Country Award for Best Picture.

S.R. 323 - By Brown: Congratulating Jane Hill, who received the 1993 Distinguished Teaching Award at the elementary level presented by the National Science Teachers Association.

S.R. 324 - By Brown: Recognizing Elisabet Ney Elementary School of Lake Jackson on the occasion of its 50th anniversary.

S.R. 325 - By Brown: Recognizing the members of the Texas Federation of Republican Women and commending their contributions to the political process in Texas.

S.R. 326 - By Whitmire: Recognizing Erma Kocurek for her lifetime of achievements.

ADJOURNMENT

On motion of Senator Montford, the Senate at 11:54 a.m. adjourned until 11:00 a.m. Monday, March 1, 1993.

APPENDIX

REPORT OF STANDING COMMITTEE

The following committee report was received by the Secretary of the Senate:

February 25, 1993

FINANCE — C.S.S.B. 5

SENT TO GOVERNOR

(February 25, 1993)

S.B. 2

S.B. 4

S.C.R. 29

S.C.R. 31

TWENTY-THIRD DAY

(Monday, March 1, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Absent-excused: Carriker, Ellis, Whitmire.